

ORAL ARGUMENT GRANTED.

Case No.: PD-0907-17

FILED

COURT OF CRIMINAL APPEALS  
12/29/2017  
DEANA WILLIAMSON, CLERK

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**IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS**

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**CHRISTOPHER ERNEST BRAUGHTON, JR.  
Appellant,**

**v.**

**THE STATE OF TEXAS,  
Appellee.**

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Decided in the 228th Judicial District Court of Harris County, Texas  
Trial Court Cause Number: 1389139, The Honorable Marc Carter, Presiding;  
Appealed to the First Court of Appeals, Cause No. 01-15-00393-CR.

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**CHRISTOPHER ERNEST BRAUGHTON JR.'S MOTION TO EXTEND  
TIME TO FILE HIS OPENING BRIEF BY TWENTY-ONE DAYS**

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**ATTORNEY FOR  
APPELLANT CHRISTOPHER  
ERNEST BRAUGHTON, JR.**

**To the Honorable Judges of the Court of Criminal Appeals:**

Appellant, Christopher Ernest Braughton files this, his Motion to Extend Time to File Reply Brief by Twenty-One Days.

Christopher Braughton asks this Court to grant his attorney twenty-one additional days to file his opening brief, making it due on Friday, January 26, 2018.

**Motion to Extend Time to File Brief**

Braughton requests that his attorney receive an additional twenty-one days in which to file his opening brief, making it due on Friday, January 26, 2018.

**Introduction**

1. Appellant is Christopher Braughton and the Appellee is the State of Texas. This appeal concerns an appeal of a conviction for murder.
2. Appellant was tried in 228th Judicial District Court of Harris County, Texas; Appellant sought review from the First Court of Appeals, which issued multiple opinions and a lengthy dissent but ultimately affirmed the verdict.

**Argument and Authorities**

3. There is no specified deadline to file a motion to extend time to file an appellant's brief.<sup>1</sup>
4. Currently, Appellant's brief is due on Friday, January 5, 2018. Appellant has not requested nor received any prior extensions for this brief.

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<sup>1</sup> TEX. R. APP. P. 38.6(d) & 70.

5. This case has the highest priority from Appellant's counsel. But counsel asks for this extension because of the duties that counsel has in other cases. Specifically, this Court granted review on December 6, 2018. Since that date, counsel has been occupied with:

- a. *Jack L. Martin and Kathran J. Martin v. Christina Lonze Ball*, Fifth Court of Appeals, Cause No. 05-17-00738-CV. This appeal is complex involving more than twenty years of bankruptcy law and it has consumed counsel's time. The brief was filed in September but the case has required counsel to prepare to litigate in the bankruptcy court. Counsel is not an expert in bankruptcy and this has taken more time than expected;
- b. *United States of America v. Gregory Webb*, 17-1501, Seventh Circuit Court of Appeals, Chicago, Illinois, a complex-federal-fraud appeal with eleven counts. Counsel is scheduled for oral argument in Chicago on January 3, 2018. Counsel has worked diligently to prepare for this argument and it has taken considerable time and effort. Counsel will leave Dallas at 6:00 a.m. on January 2, 2018 to travel to Chicago and will return late on January 3, 2018;
- c. *Collin Wayne Cope v. State of Texas*, 05-17-00515-CR, Fifth Court of Appeals, Dallas, merits brief with nearly 14,000 words. Brief was filed on December 21, 2017;
- d. *Ashea Willard v. Breadwinners Café & Bakery, Inc., Hughes Hull Holdings, LLC and the City of Dallas*, DC-16-14821, responded to motion for summary judgment. Summary judgment response filed on December 28, 2018;
- e. *Elvin Johnson v. State of Texas*; 05-17-00459-CR, Fifth Court of Appeals Dallas, brief due on December 29, 2017. This brief has largely been written but needs to be edited. Counsel will likely ask for an extension of seven days to edit this brief;
- f. Additionally, counsel has been in communication with witnesses for a writ and has been writing several writs.

6. Counsel has written a draft of his first issue for the brief that he will file with this Court. This case has the highest priority for Appellant's counsel and will be resolved without any further request for time.

Prayer and Conclusion

7. Braughton requests that this Court grant his counsel an additional twenty-one days in which to file his brief. This extension will make the brief due on Friday, January 26, 2018. There is no reason to believe that further extensions will be requested.

Respectfully Submitted,

/s/ Niles Illich

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**CERTIFICATE OF SERVICE**

This is to certify that, on December 29, 2017 a true and correct copy of this Motion to extend time to file brief has been served thorough electronic service on:

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/s/ Niles Illich  
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Certificate of Conference

On December 29, 2017, Niles Illich, counsel for Christopher Braughton, had an email exchange with Melissa Stryker, the attorney for the State. Ms. Stryker is unopposed to this motion.

/s/ Niles Illich  
Niles Illich